

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. AO-361-A35
) [DA-01-03]
)
Milk in the Upper Midwest) Certification of Transcript
Marketing Area)

This is to certify that the foregoing 600-page transcript, to the best of my knowledge and belief, is a true transcript of the testimony given at the oral hearing held on June 26-27, 2001, in Bloomington, Minnesota, except the following corrections and except for obvious or immaterial typing, spelling, or grammatical errors.

I further certify that 36 exhibits were admitted into evidence, Exhibits 1-33, and Exhibits 35-37, and certify that Exhibit 34 was offered into evidence but not admitted (Tr. 301). [The Court Reporter marked the exhibits with arabic numerals in purple, in the upper left-hand corners of the exhibits.]

The Hearing Clerk shall make the following corrections upon the official record copy of the transcript, in accordance with 7 C.F.R. § 900.10.

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
June 26, 2001		
Cover	1	Delete "GRIEVANCE BOARD"
7	6	Change "USCA" to "USDA"
16	9, 17	Change "schematic" to "somatic"
21	25	After "appearance" insert "on behalf"
29	8, 22	Change "pulled" to "pooled"

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
36	10	Change “shift” to “ship” ^t
41	13	Change “Administrator’s” to “Administrators”
44	22	After “perhaps” insert “May”
49	6	Change “Holland” to “Hollon”
49	8	Change “Holland’s” to “Hollon’s”
63	16	Change “pulling” to “pooling”
68	8	Change “affect” to “effect”
69	15	Change “pulled” to “pooled”
70	19	Change “pulled” to “pooled”
82	2	After “dairy” delete “cup”
106	3	Change “asking on” to “responding to”
108	3	Change “That” to “They”
110	10	After “should” delete “not”
112	9	Change “and” to “on”
115	20	Change “affect” to “effect”
120	9, 12	Change “affect” to “effect”
121	19	Change “UNIDENTIFIED SPEAKER:” to “MR. ENGLISH:”

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
135	24	Change “affect” to “effect”
140	6	Change “my” to “by”
146	3	Change “affect” to “effect”
153	24	Change “for” to “from”
154	21	Change “would appropriate” to “would be appropriate”
171	24	Change “addition” to “edition”
183	20	Change “BESHORE” to “VETNE”
184	24	Change “BESHORE” to “VETNE”
197	18	After “milk” insert “which”
198	16	Change “show” to “shown”
199	23	After “limit” insert “pooling on”

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
200	3-8	After “pool” delete “...”, “[Off the “***”, record]”, [On the record], “***”, and “MR. CONOVER: ...” and insert “then it would remain eligible for pooling on Order 30. It is not our intent to create a trade barrier or otherwise limit the movement or pooling of milk which does not obtain pooling benefit elsewhere. According to the CDFAs”
[The above portion appeared in the prepared testimony of the witness and appears to have been missed. It has been restated as it appears in the prepared testimony of the witness.]		
200	14	Change ”plant” to “plant,”
201	22	Change “flesh” to “flush”
219	4	Change “prohibiting” to “participating”
220	25	Change “pull” to “pool”
221	23	Change “Kebers” to “Kyburz”
222	12	Change “Kebers” to “Kyburz”
228	14	After “about” insert “milk which”
232	4	After “official” insert “notice”

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
232	25	
through		
233	4	After “pool” delete “...”, “***” “[Off the record]”, [On the record] and “***” and insert “Amendments to Marketing Agreements and to Orders, Milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland Marketing Areas), 37 Fed. Reg. 3536-4535 (February 17, 1972)”

[The above portion appears in Exhibit 32 and was read into the record and appears to have been missed. It has been restated as it appears in Exhibit 32]

235	11	Change “H,” to “each”
239	21	Change “her” to “here”
259	9	Change “Order 4” to “Proposal 4”

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
269	1-6	<p>After “2001” delete “...”, “***”, “[Off the record]”, [On the record], “***”, and “MR. HAHN: ...” and insert “for the first five months. Members of UMMA receive \$.65 per hundredweight and \$.45 per hundredweight for Class I shipments during short months and long months respectively. Premiums above the base are distributed (pooled) based on member volume.</p> <p>This type of system puts LOL at a competitive disadvantage with UMMA members shipping a lesser percentage as well as non-members of UMMA (free riders)”</p>
<p>[The above portion appeared in the prepared testimony of the witness and appears to have been missed. It has been restated as it appears in the prepared testimony of the witness].</p>		
270	5	Change “now” to “none of”
287	6	Change “B-6, “S” plans” to “base-excess plans”
292	4	Change “ENGLISH” to “BESHORE”; and Change “an advance” to “advanced”
301	17	Change “would a” to “would be a”

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
June 27, 2001		
Cover	1	Delete "GRIEVANCE BOARD"
348	3	After "competitive" delete "the"; and Change "premiums" to "premium"
357	18	Change "ENGLISH" to "BESHORE"
358	5	Change "ENGLISH" to "BESHORE"
361	1	Change "corps" to "core"
361	6	After "wide" insert ","
361	6	Change "jeopardize." To "jeopardized."

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
361 through 361	12 17	After “These” delete “arguments have ...”, “[Off the record]”, [On the record], and “MR. HOLLON: ...” and insert “amendments are being requested by producers due to the present day dynamics surrounding the pooling of milk in Federal Milk Marketing Orders. We have three proposals to present and support at this hearing. The first deals with the open pooling of large volumes of milk from locations so distant to the market that we question if it would ever regularly serve the market”
[The above portion appeared in the prepared testimony and Exhibit 36 of the witness and appears to have been missed. It has been restated as it appears in Exhibit 36.]		
362	2	Change “advanced” to “the advance”
362	2	After “at” insert “the”
362	2	Change “months” to “month’s”
362	3	Change “advanced” to “advance”

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
386 through 387	21 1	After "Order" delete "...", "***", "[Off the record]", [On the record], "***", and "MR. HOLLON: ... in its individual handler pool no longer exists." and insert "today, save one, provide for the marketwide pooling of milk proceeds among all producers supplying the market. The one exception to this form of pooling is found in the Michigan Upper Peninsula market, where individual handler pooling has been used."

[The above portion appeared in the prepared testimony and Exhibit 36 of the witness and appears to have been missed. It has been restated as it appears in the prepared testimony of the witness].

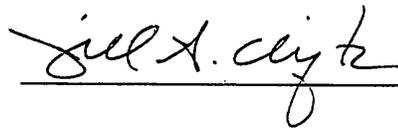
394	23	Change "would difficult" to "would be difficult"
397	17	Change "blender" to "blend"
397	18	Change "off" to "of"
400	4	Change "economic required" to "economic analysis required"
400	14	Change "mar" to "Market Administrator"
403	8	Change "would DFA's" to "would be DFA's"

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
417	16	Change “that milk” to “that order”
442	3	Change “know” to “known”
442	16	After “do” insert “you”
454	22	“Change “call” to ”fall”
462	18	Change “market by Order 30” to “market order 30”
462	21	Change “that would” to “that. That would”
463	15	Change “priorities you” to “priorities do you”
465	1	Change “effect” to “affect”
466	12, 17, 20, 24	Change “VETNE” to “HOLLON”
466	16, 17, 20	Change “due” to “do”
470	22	Change “talk to” to “talk about”
470	23	Change “milks” to “milk”
490	6	After “through” insert “rule”
497	16	After “pretty” insert “much”; and Change “close end” to “closest”
515	8	Change “would -- it” to “wouldn’t”
554	7	Change “reason why”, to “reason why we”

<u>Page</u>	<u>Line(s)</u>	<u>Correction</u>
557	6	Change “go” to “got”
560	16	After “drawing” insert “anything into”
560	17	Change “drawing” to “discussing
569	18	Change “361” to “36”
571	22	Change “that the” to “that. When the”

Copies of this Order shall be served by the Hearing Clerk upon each of the parties. The Hearing Clerk is requested to show the addresses to which the copies were mailed, and the mailing dates.

Done at Washington, D.C.
this 30 day of August, 2001



Jill S. Clifton
Administrative Law Judge.